

DRAFT

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
DECEMBER 1, 2008**

ATTENDANCE: Evonne Klein, First Selectwoman; David Bayne, Callie Sullivan, Seth Morton, Linda Santarella

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

First Selectwoman Klein called the meeting to order at 8:00 p.m.

PUBLIC COMMENT

First Selectwoman Klein said that she had met Ms. Connie Iver at The Cottage recently and First Selectwoman Klein said that she appreciated the fact that Ms. Iver watches the Board of Selectmen meetings. Ms. Iver then came forward and greeted the Board. First Selectwoman Klein thanked Ms. Iver and her mother for coming to the meeting.

REPORT FROM THE DARIEN CHAMBER OF COMMERCE

Mr. Peter Saverine came forward and greeted the Board. He said that many years ago he had heard a speech by a Darien resident who had stated that there were three kinds of people: those who made things happen, those who watch what happened and those who turn around and ask "What happened?" Mr. Saverine said that he wanted to be in the first category. He said that the Chamber of Commerce was in a positive mode and many good things had happened.

Mr. Saverine then gave an overview of an October meeting to which all the merchants had been invited, which was hosted by the Chamber. Mr. Saverine said previously he had heard a New Canaan speaker pointed out that the residents of New Canaan still had money, perhaps not as much as they had six months ago, but they still had money. The speaker said that it would be important for the town residents to spend their money in town to help everyone. Darien needs to encourage the residents to do the same. As a good will gesture the Chamber will be showing some free movies in the Theater in town.

Ms. Santarella and Mr. Morton left the meeting at 8:20 p.m.

REPORT FROM ROBERT STEEGER PUBLIC WORKS DIRECTOR ON FLOODING AND SIDEWALKS

Mr. Steeger came forward and greeted the Commission. He then gave a brief overview of the Sunny Brook project status and that the alternatives for this project were expected in February.

The Forbes Road project has been awarded and the contracts should be signed soon. The project is expected to take four or five months to complete and the contractor is planning on working through the winter, weather permitting.

The Stony Brook Project geotechnical report has been completed. Portions of the problem have been designed. This project will include Baker Field and Heights Road. First Selectwoman Klein asked about the meeting that the DEP was asked for before the application for this project was submitted to them. Mr. Steeger said that this meeting would be held. A short discussion regarding the DEP's requirements for this project followed.

Mr. Steeger then went on review the Public Works fifteen year plan and five year sidewalk replacement and rehabilitation program. First Selectwoman Klein said that the Board could include this issue on the agenda for 2009. There have been request to extend sidewalks at various locations. Several of these locations are along State roads, but the State will not fund the sidewalks. Therefore the Town must build the sidewalks to the State specifications. Mr. Steeger reviewed the details of the conditions of the permits from the State. Mr. Bayne asked about the status of the sidewalk repairs that had been scheduled for work this past calendar year, which Mr. Steeger promptly reviewed. Ms. Sullivan asked about the process and Mr. Steeger explained that usually the entire sidewalk is removed and replaced. First Selectwoman Klein stated that Ms. Santarella had requested a report on the status of the sidewalks. She then asked for copies of the fifteen year plan and the five year repair program, along with copies of the report he had just presented. Discussion about this then followed.

Mr. Bayne asked if there had been any interest in the topographical mapping information. Mr. Steeger said that there had been a lot of interest but that until a decision has been made about the project, the maps could not be sold. The discussion then moved to the ordinance concerning the fee schedule for selling the maps and when the maps would be available for sale. First Selectwoman Klein requested that this be included for action on December 15 and then forwarded to the RTM for the January meeting.

FIRST SELECTWOMAN'S REPORT

First Selectwoman Klein presented her report to the Board and announced that there was an item that needed to be added to the agenda.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff then directed the Board's attention to a portion of the report that outlines the new State Fire Prevention Code which gives the Town some assistance and relief in terms of meeting the building inspections and allows for a budgetary cost reduction opportunity by changing the schedule by which certain buildings have to be inspected. He then outlined the details of the new State Code.

Mr. Kilduff then reviewed the details of the Office of Legislative Research bill analysis that passed in the recent Special Session. One portion of the bill is a local option for establishing a tax amnesty program. This may be of interest to the Town. Mr. Kilduff said that the Town is prohibited by State law from waiving interest on property taxes, but the State does waive interest on property taxes with regularity. This would be a one time option until December 2009. This option has been discussed with the Tax Collector.

Mr. Kilduff explained that the addition to the agenda was in order to consider a resolution by the Town on behalf of the Darien Land Trust for an invasive plant species control program. There is funding available from the DEP for this program. The Darien Land Trust would do the work involved and also be responsible for coming up with the matching funds. The grant is due by December 8th, so the Land Trust would appreciate the Board amending the agenda to consider this item.

Mr. Kilduff said that the Budget schedule needed to be finalized. Once the Board decides, the other Department heads will be informed as to the date that their budgets are due and the internal review can be scheduled. Discussion then followed about possible dates.

Mr. Bayne asked if any additional information had arrived regarding the purchases of fuel oil that was discussed at the last meeting. Mr. Kilduff said that Board of Education had agreed to the purchasing co-op. The price has been locked in for a contract to begin in September 2009.

Ms. Sullivan had a question regarding the demolition of the pedestrian bridge. First Selectwoman Klein said that she had spoken to Mayor Moccia after receiving his letter. Mayor Moccia assured her that Norwalk was committed to this project.

NEW BUSINESS

Discuss and Take Action of Board of Selectmen Meeting Schedule for 2009.

First Selectwoman Klein commented that both the school holidays and Jewish holidays were not included on the schedule, so that the meeting schedule needed to be reviewed. Mr. Bayne then pointed out that January 26th was an RTM meeting. Mr. Kilduff

reminded everyone that State Statute requires the Board act on the new calendar at the next Board meeting.

Discussion then followed about the quarterly department head meetings being linked to the Board meetings. First Selectwoman Klein suggested that perhaps the first Wednesday of the quarter at 8:30 a.m. be considered. This was agreeable to all.

Discuss and Take Action on Applying for Grant from Darien Technology Foundation

First Selectwoman Klein said that this grant application was requesting funding for the gym stair lift at the Senior Center. She suggested that action not be taken on this item at this time, but to wait for more information on the project. Discussion then followed.

Ms. Robin Woods from the Commission on Aging came forward and said that she had been in touch with the Administrator about this project. First Selectwoman Klein explained that the discussion was how the project would be funded. First Selectwoman Klein then asked if something could be prepared by the 15th. Mr. Kilduff said that it would depend if the necessary information had arrived by that time.

Discuss and Take Action on Filming Permit Process

Mr. Kilduff then reviewed the proposed filming permit process. He explained that this was a general permit and that the use of municipal property would require additional covenants and agreements in order to protect the Town's interests and assets. Mr. Kilduff said that he would add a time stipulation in the instructional portion of the permit to prevent the filing of the permit on one day and the actual shooting of the film on the following day.

**** MS. SULLIVAN MOVED TO APPROVE THE PROPOSED FILMING PERMIT.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Resolution to Contribute Towards the Global Settlement of the Combe Fill South Litigation.

**** MR. BAYNE MOVED TO APPROVE AND AUTHORIZE THE FIRST SELECTWOMAN KLEIN TO EXECUTE THE RESOLUTION TO CONTRIBUTE TOWARDS THE GLOBAL SETTLEMENT OF THE COMBE FILL SOUTH LITIGATION AND CONFIDENTIAL ESCROW AGREEMENT AND CONSENT DECREE TO AUTHORIZE A PAYMENT OF \$34,653.57 AND**

**RECOGNIZE THE POTENTIAL OF ADDITIONAL PAYMENTS AND WILL
AUTHORIZE UP TO \$40,000.00.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(See Attached Consent Decree)

TRANSFERS

Registrar of Voters

RESOLVED:

**That the following transfer of appropriations is approved for referral to the Board
of Finance:**

That the following amounts:

Part Time	\$1,000	Account No. 10107651-81003
Mailing/Shipping	\$1,000	Account No. 10107651-82016
Training	\$ 500	Account No. 10107661-82003

For a sum of \$2,500 be transferred to Part-Time (Account No. 10107651-81002).

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**THAT THE FOLLOWING TRANSFER OF APPROPRIATIONS IS APPROVED
FOR REFERRAL TO THE BOARD OF FINANCE:**

THAT THE FOLLOWING AMOUNTS:

PART TIME	\$1,000	ACCOUNT NO. 10107651-81003
MAILING/SHIPPING	\$1,000	ACCOUNT NO. 10107651-82016
TRAINING	\$ 500	ACCOUNT NO. 10107661-82003

**FOR A SUM OF \$2,500 BE TRANSFERRED TO PART-TIME (ACCOUNT NO.
10107651-81002).**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

That the sum of \$2,250 be transferred from Contingency to Part-Time (Account No. 10107651-81003).

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

RESOLVED:

THAT THE FOLLOWING TRANSFER OF APPROPRIATIONS IS APPROVED FOR REFERRAL TO THE BOARD OF FINANCE:

THAT THE SUM OF \$2,250 BE TRANSFERRED FROM CONTINGENCY TO PART-TIME (ACCOUNT NO. 10107651-81003).

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BAYNE MOVED TO AMEND THE AGENDA TO ADD THE RESOLUTION IN SUPPORT OF THE GRANT APPLICATION TO THE DEP FOR THE INVASIVE PLANT CONTROL PROGRAM.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. SULLIVAN MOVED APPROVE A RESOLUTION IN SUPPORT OF THE GRANT APPLICATION TO THE DEP FOR THE INVASIVE PLANT CONTROL PROGRAM.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPOINTMENTS/REAPPOINTMENTS

Consider and take action on the following appointments:

Colin Seeley (D) as a member (At Large) of the Advisory Commission on Coastal Waters, for the term beginning on 2/16/08 and expiring on 2/15/10.

Consider and take action on the following reappointments:

Charles Saverine as Building Official for a 4-year term beginning on November 1, 2008 and expiring on October 31, 2012.

First Selectwoman Klein reminded everyone that by Charter, the Board must re-appoint the Advisory Board of Health, and the Advisory Commission on Coastal Waters and this should be included in the agenda for the 15th.

She then informed the Board that there were two members on the Advisory Board of Health that needed to be replaced because one member is working out of town and the other member has other responsibilities.

Mr. Bayne asked if DAHAC had a full compliment of members. First Selectwoman Klein said that there had been a recent resignation and there was a vacancy there.

AGENDA REVIEW

A discussion then followed about the various items that would be included on the agenda for December 15th.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Regular Meeting November 17, 2008

The following corrections were noted:

Page 1, paragraph 2, line 4: please change the following from “an accurate Grand Land” to “an accurate Grand List.”

Page 1, paragraph 2, line 5: please change the following from “in to insure parity” to “in to ensure parity”.

Page 1, paragraph 3, line 2: please change the following from “the vehicles have been updated yearly” to “the vehicle values have been updated yearly.”

Page 1, paragraph 2, line 2: please change the following from “businesses have been growing” to “business evaluations have been growing”.

Page 1, paragraph 3, line 5: please change the following from “year and that previous to 2007/08” to “year and that prior to 2007/08”

Page 1, paragraph 4, line 4: please change the following from “about 139 of the 169 towns actually have the Grand List” to “about 139 of the 169 towns in Connecticut actually have the Grand List”

Mr. Morton and Ms. Santarella rejoined the meeting.

Page 2, paragraph 1, line 1: please change the following from “First Selectwoman Klein said that the bridge project” to “First Selectwoman Klein said that the Hollow Tree Ridge Road bridge project”

Page 2, paragraph 2, line 1: please change the following from “Another project has been delayed until 2012” to “The Catenary B Replacement project has been delayed until 2010.”

Page 2, paragraph 9, line 1: please change the following from “new website “darien.care.org” has the list” to “new website “darien.care.org” which has this list”

Page 2, paragraph 6, line 3: please change the following from:

“Person-to-Person has celebrated 40 years of service recently. First Selectwoman Klein also said that Brooks Brothers has opened a store downtown. By developing the downtown area and the retail, this removes the burden from the property owners.”

To:

“Person-to-Person has celebrated 40 years of service recently.

First Selectwoman Klein also said that Brooks Brothers has opened a store downtown. By developing the downtown area and the retail and this removes the burden from the property owners” to ““and the retail, this removes the tax burden from the residential tax payers.”

Page 3, header,: please change the following from “**PPADMINISTRATIVE OFFICER’S REPORT**” TO “**ADMINISTRATIVE OFFICER’S REPORT**”

Page 3, paragraph 4, line 6: please change the following from” There are some difficulties with the building as it stands now.” to “There are some difficulties with the building infrastructure as it stands now.”

Page 4, paragraph 2, line 1: please change the following from “Chief Lovello said that the outdoor range will be in operation, but while it is safe, it is in close proximity to the new library. The indoor range is out of operation and had storage from the garage in it.” To:

“Chief Lovello said that the outdoor range will be in operation, but while it is safe, it is in close proximity to the new library and the noise will be a nuisance to the library patrons. The indoor range is out of operation and had storage from the garage in it.”

Page 4, paragraph 3, line 3: please change the following from “the noise will be startling to those in the parking lot.” To “the noise will be startling to those in the parking lot.”

Page 4, paragraph 6 & 7; please change the following from:

“First Selectwoman Klein said that the questions regarding the Charter revision failed at the ballot box. She then reviewed the various options and said that some residents felt that the error that was discovered was a result of sloppy work on the part of the Board. When others asked why the Charter wasn’t pulled, First Selectwoman Klein said that the Town and the Board had followed the process. There was a remedy for the error if it had passed.

Mr. Morton said that if the RTM Rule Committee and the Board looked at the proposed Charter and the new formatting of the Charter. Mr. Bayne agreed and said that proposed Charter changes had failed twice in ten years, and now it was time for the RTM to look at the Charter and make some changes.”

To:

“First Selectwoman Klein said that the questions regarding the Charter revision failed at the ballot box. She then reviewed the various options and said that some residents felt the Charter should have been pulled from the ballot. First Selectwoman Klein said that the Town and the Board had followed the process under State law and that the Charter could not have been pulled after it was submitted to the Secretary of State in September. The Board of Selectmen therefore provided a remedy for the error if the Charter had been passed by promising to form a Charter Review Commission.

Mr. Morton said that the Board of Selectmen should have forwarded the Charter with the items that had been voted down in the election because there were technical changes that had been made along with grammatical language changes that were important to be adopted and could be adopted under these conditions.

Mr. Bayne agreed and said that the proposed Charter changes had failed twice in ten years, there is an undercurrent or feeling in the town that perhaps changes are not necessary to our Charter and the RTM needs to consider that in whether or not changes are needed at all.”

Page 5, paragraph 2, please change the following from:

“Mr. Bayne said that the Board does not have a formal way to hand this off to the RTM, but can make the suggestions to the RTM.”

“Mr. Bayne said that the Board does not have a formal way to hand this off to the RTM, but can make the suggestions to the RTM and offered to meet with the relevant bodies in the RTM to discuss Charter Revision.”

Page 5, paragraph 3, please delete the following:

“Concerns expressed centered around the error and whether there were other errors in the Charter. First Selectwoman Klein said that a number of people had said that there was no response from the Charter Revision Committee, but that when the various Town Departments had been contacted about this, it was discovered that the perceived lack of response was not accurate.”

Page 5, paragraph 4, please change the following from: “Mr. Plehaty said that” to “Mr. Plehaty, the Chairman of the RTM TGS&A Committee, said that”

Page 5, paragraph 4, line 6: please change the following from: “discussing the Charter and future RTM work.” to “discussing the Charter and future RTM collaboration.”

Page 5, paragraph 6, line 1: please change the following from: “Mr. Morton asked about mounting the signs on telephone poles.” To Mr. Morton asked about mounting the signs on decorative light poles.”

Page 6, paragraph 5, line 5: please change the following from; “by the face that the” to “by the fact that the”

Page 7, motion: please change the following from:

**** MR. MORTON MOVED TO APPROVE THE FOLLOWING CANDIDATES TO DAHAC: ANDREA SNAGREY, SPENCER MCILLMURRAY AND GREG HARMER.**

TO:

**** MR. MORTON MOVED TO APPROVE THE FOLLOWING CANDIDATES TO DAHAC: ANDREA SANGREY, SPENCER MCILLMURRAY AND GREG HARMER.**

**** MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF NOVEMBER 17, 2008 AS CORRECTED.**

**** MR. MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on the Board of Selectmen Priorities for 2009.

The Board then discussed changes made in the 2009 Board of Selectmen Statement.

**** MS. SANTARELLA MOVED TO TAKE ACTION OF THE BOARD OF SELECTMEN PRIORITIES FOR 2009.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. MORTON MOVED TO APPROVE THE BOARD OF SELECTMEN 2009 STATEMENT.**

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BAYNE MOVED TO APPROVE THE 2009 ONGOING GOVERNMENT CHARGES AND RESPONSIBILITIES.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Forthcoming meetings

December 8, 2008	RTM State-of-the-Town meeting at 8:15 p.m.
December 9, 2008	Board of Education Regular Meeting at 7:30 p.m.
December 15, 2008	Board of Selectmen Regular Meeting at 8:00 p.m.
December 16, 2008	Board of Finance Regular Meeting at 7:30 p.m.
December 17, 2008	Parks and Recreation Regular Meeting at 7:30 p.m.

**** MR. MORTON MOVED TO ENTER INTO EXECUTIVE SESSION IN ORDER TO DISCUSS PENDING LITIGATION.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Board entered into Executive Session to discuss pending litigation.